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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
10

11 ALEX VILLANUEVA,

12 Plaintiff,

13 v.

14 COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
15 SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
16 SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS
17 ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL,
18 CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
19 YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
20 KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
21 ESTHER LIM, and DOES 1 to 100,
inclusive,

22 Defendants.
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CASE NO. 2:24-cv-04979 SVW (JCx)

**DEFENDANTS' NOTICE OF
MOTION *IN LIMINE* NO. 5 TO
EXCLUDE EVIDENCE RELATED
TO POST**

*[Filed Concurrently with Memorandum
of Points of Points and Authorities;
Declaration of Jason H. Tokoro; and
[Proposed] Order]*

Date: May 26, 2025
Time: 1:30 p.m.
Crtrm.: 10A

Assigned to the Hon. Stephen V.
Wilson and Magistrate Judge Jacqueline
Chooljian

Trial Date: June 3, 2025

1 **TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL**
2 **OF RECORD:**

3 **PLEASE TAKE NOTICE** that on May 26, 2025, at 1:30 p.m. or as soon
4 thereafter as the matter may be heard in Courtroom 10A of the above-captioned
5 Court, located at First Street Courthouse, 350 W. 1st Street, Los Angeles, California
6 90012, Defendants will and hereby do respectfully move this Court for an order
7 granting Defendants' Motion *in Limine* No. 5 to bar Plaintiff from introducing
8 evidence or making arguments at trial regarding letters he received from the
9 California Commission on Peace Officer Standards ("POST").

10 Plaintiff's case is premised upon the allegation that he received a "Do Not
11 Rehire" notation in retaliation for exercising protected speech. The operative First
12 Amended Complaint ("FAC") alleges: "Defendants' acts of retaliation, prohibited
13 under the First Amendment, are placing Villanueva on the 'Do Not Hire' list and
14 then publicly revealing this fact." (*Id.*) Letters from POST are not relevant to
15 Plaintiff's First Amendment claim—the only claim to be tried to the jury.

16 Plaintiff and other witnesses have made passing references to letters that
17 Plaintiff received from POST. POST is an independent California government
18 entity that is not controlled by, or affiliated with, any of the Defendants in this case.
19 It is not a named defendant. POST has not been the subject of any discovery. Nor
20 have the parties engaged in any discovery regarding these purported letters.

21 The grounds for the Motion are that the statements should be excluded under
22 [Federal Rules of Evidence 402](#) and [403](#). The letters should also be excluded as
23 hearsay under [Federal Rules of Evidence 801](#) and [802](#).

24 The Motion is based upon this notice of motion; the concurrently filed
25 Memorandum of Points and Authorities; the Declaration of Jason H. Tokoro; the
26 pleadings and records on file in this action; and any further evidence or argument
27 received by the Court in connection with the Motion.
28

Local Rule 7-3 Compliance

This Motion is made following correspondence from Defendants' counsel following the deposition of Vivian Villanueva. Defendants' counsel requested to meet and confer, but Plaintiff did not respond. (*See* Tokoro Decl. ¶¶ 4–5 & Ex 2.) The parties were therefore unable to reach agreement as to Defendants' Motion *in Limine* No. 5. (*See id.* ¶ 3.)

DATED: April 28, 2025

Respectfully Submitted,

MILLER BARONDESS, LLP

By: /s/ Jason H. Tokoro
JASON H. TOKORO
Attorneys for Defendants

MILLER BARONDESS, LLP

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